

EXHIBIT #11
TO
DEYOUNG DECLARATION

U.S. SENATOR PATRICK LEAHY

CONTACT: Office of Senator Leahy, 202-224-4242

VERMONT

Leahy, Specter Press DOJ, DHS On Investigations
Into Rendition Of Canadian Citizen Maher Arar To Syria

*...Ask For Status of Internal Inquiries
And Claims IG Officials Are Being Stonewalled*

WASHINGTON (Wednesday, February 28) – Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) and Ranking Member Arlen Specter (R-Pa.) sent a letter Wednesday to the independent investigative arms of the Departments of Homeland Security (DHS) and Justice (DOJ) seeking information on inquiries into the 2002 rendition of Canadian citizen Maher Arar.

Mr. Arar is the Canadian citizen who was detained by federal agents in New York City in 2002 on suspicion of ties to terrorism and deported to Syria, where he was held for 10 months. Late last year, a Canadian commission found no evidence to support that Mr. Arar had any terrorist connection or posed any threat, but the panel found that he was tortured and held in abhorrent conditions in Syria. The Canadian government has apologized to Mr. Arar for its part in this incident and has announced that Canada will pay Mr. Arar almost \$10 million in compensation.

Department of Justice officials briefed Senators Leahy and Specter earlier this month on the Arar case following a request by the Judiciary Committee for more information about Mr. Arar's rendition. Following the briefing, Senator Leahy said the Administration still had yet to adequately explain its decision to send Mr. Arar to Syria.

Senators Leahy and Specter also sent a letter last week requesting that the Government Accountability Office conduct an inquiry to determine whether the government provides individuals with effective means to challenge their presence on terrorist watch lists. That letter followed the revelation that Mr. Arar remains on a U.S. watch list despite the Canadian government's determination that he poses no threat.

The text of the letters is below.

#####

February 28, 2007

The Honorable Richard L. Skinner
Inspector General
United States Department of Homeland Security
Washington, D.C. 20528

Dear Inspector General Skinner:

We have long been concerned about the case of Maher Arar, a Canadian citizen who, while returning home from a vacation, was detained by federal agents at JFK Airport in New York City in 2002 on suspicion of ties to terrorism and deported to Syria, where he was held for 10 months. A Canadian commission found that there was no evidence that Arar had any terrorist connection or posed any threat, but that he was tortured and held in abhorrent conditions in Syria.

The Canadian government has apologized to Mr. Arar for its part in this debacle. The head of the Royal Canadian Mounted Police resigned, and the country has agreed to pay Mr. Arar almost \$10 million in compensation. Our country, meanwhile, has not apologized or admitted any wrongdoing.

House Judiciary Committee Chairman John Conyers requested in December 2003 that your office investigate the role of the Department in the Arar case. Your predecessor, Clark Kent Ervin, wrote to Representative Conyers in July 2004 indicating that the office was investigating the matter but had experienced delays and obstruction in obtaining relevant documents and interviewing relevant officials.

We write to ask the status of your investigation. Please tell us if the investigation has continued to experience delay and obstruction and, if so, please describe any such delay and obstruction. Please also tell us whether your investigation is ongoing, when you expect to complete it, and whether you believe that you will have received all the information you need to investigate the matter completely.

We look forward to your reply and to your investigation into this important matter.

Sincerely,

PATRICK LEAHY
Chairman

ARLEN SPECTER
Ranking Member

#####

February 28, 2007

The Honorable Glenn Fine
Inspector General
United States Department of Justice
950 Pennsylvania Ave., NW, Suite 4706
Washington, D.C. 20530

Dear Inspector General Fine:

We have long been concerned about the case of Maher Arar, a Canadian citizen who, while returning home from a vacation, was detained by federal agents at JFK Airport in New York City in 2003 on suspicion of ties to terrorism and deported to Syria, where he was held for 10

months. A Canadian commission found that there was no evidence that Arar had any terrorist connection or posed any threat, but that he was tortured and held in abhorrent conditions in Syria.

The Canadian government has apologized to Mr. Arar for its part in this debacle. The head of the Royal Canadian Mounted Police resigned, and the country has agreed to pay Mr. Arar almost \$10 million in compensation. Our country, meanwhile, has not apologized or admitted any wrongdoing.

House Judiciary Committee Chairman John Conyers has said publicly that he requested in December 2003 that your office and that the Inspector General for the Department of Homeland Security investigate the roles of the respective Departments in the Arar case. The Inspector General for DHS has conducted an investigation which apparently remains ongoing. I look forward to the results of that investigation, but there is also more need than ever for a comprehensive examination of the Justice Department's role in this disastrous incident.

For years, our questions about Mr. Arar's case went unanswered. Finally, earlier this month, the Department of Justice provided us with a confidential briefing about this case, focusing on the decision to send Mr. Arar to Syria and on his continued presence on a terrorist watch list. We both said publicly after the briefing that, despite being briefed for an hour and forty minutes, we came out with as many questions as when we went in.

In this light, we write to ask whether you have conducted any inquiry into this matter and, if so, what you have found. To the extent that you and other relevant offices at the Department are not already doing so, we request that you examine the Justice Department's role in the decision to send Mr. Arar to Syria in 2003. We are interested in how the decision was made, whether there were errors in judgment or violations of law and if so by whom, and what steps have been taken to redress any such errors and violations and to avoid repeating them in the future.

We look forward to your investigation and insights on this important matter.

Sincerely,

PATRICK LEAHY
Chairman

ARLEN SPECTER
Ranking Member

#####

February 21, 2007

The Honorable David M. Walker
Comptroller General
United States Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Comptroller General Walker:

We have long been concerned about the Government's terrorist watch lists. While we must

make every effort to ensure our security, these lists have often appeared to be over-inclusive and limited in their effectiveness. They have too often ensnared innocent people without providing any easy way for those caught up in their web to seek redress.

Late last year, we learned that Maher Arar, a Canadian citizen who was sent by the United States to Syria where a Canadian commission has concluded he was tortured, is still on a United States terrorist watch list even though an exhaustive Canadian inquiry concluded that he poses no risk and has no ties to terrorism. This revelation contributed to our continuing concern about the Government's watch lists.

In this light, we were interested to review your September 2006 report, "Terrorist Watch List Screening: Efforts to Help Reduce Adverse Effects on the Public." This report documents frequent misidentifications and mistaken listings on the Government's terrorist watch lists and examines the varied procedures for individuals to seek redress, several of which the report found to be deficient. The report did not make specific recommendations because the agencies managing the watch lists asserted they were in the process of improving their systems.

We request that you perform a follow up inquiry to determine whether the agencies responsible for the Government's terrorist watch lists have, in fact, taken effective steps to reduce misidentifications and mistaken listings and to provide individuals with effective means to challenge their presence on these lists.

We ask that you look at the redress available both to people wrongly targeted in the course of their travel as a result of mistakes related to the lists, as well as any recourse available to people like Mr. Arar who are purposely placed on watch lists, but for whom significant additional scrutiny has been conducted which may support a different conclusion.

We look forward to your further research and insights on this important issue.

Sincerely,

PATRICK LEAHY
Chairman

ARLEN SPECTER
Ranking Member

#####

[Home](#) [Biography](#) [Vermont](#) [Issues](#) [Press](#) [Office](#) [Services](#) [Search](#)